IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5666 of 2007()

CRIME NO.474 OF 2007 OF SASTHAMCOTTA POLICE STATION

: PETITIONER

VIDHYADHARAN,S/O. JANARDHANAN,
AGED 35 YEARS,PULIMTHUNDIL VEEDU,PULISSERIKKAL
MURI PO,SASTHAMCOTTA VILLAGE.

BY ADV. SRI.R.SURAJ KUMAR
SMT.GEETHA P.MENON

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
SASTHAMCOTTA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5666 of 2007

Dated this the 19th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Section 498 A I.P.C. He was allegedly guilty of matrimonial cruelty of the culpable variety against his wife. The marriage took place in 2006. Spouses are not blessed with any children. Crime has been registered on the basis of a private complaint filed by the complainant before the learned Magistrate which has been referred to the police by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of this case that anticipatory bail can be granted to the petitioner, subject to appropriate conditions.

3. I reckon the stand taken by the learned Public Prosecutor as reasonable as arrest and incarceration of the petitioner is likely to mar all possibility of reconciliation in the matrimony. Appropriate conditions can, of course, be imposed in the interests of a fair, efficient and expeditious investigation.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 26.09.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 27.09.2007 and 28.09.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 26.09.07 as directed in clause (1) above, he shall be released from

custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 26.09.07.

(R.BASANT, JUDGE)

rtr/-